

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6231L
10-CV-6498L

v.

LORAL HUFFMAN,

Defendant.

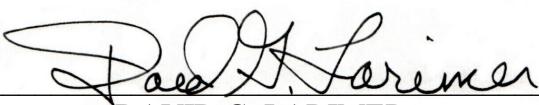
Loral Huffman (“Huffman”) has filed a form petition pursuant to 28 U.S.C. § 2255. The petition was filed on September 1, 2010 (Dkt. #29).

The petition is dismissed. The relief sought by Huffman is not to vacate, set aside or correct the judgment but to cancel the Court’s imposition of a fine, order a mental evaluation and waive the time to file a § 2255 petition. Such items are not the subject of a § 2255 petition. In any event, the petition is otherwise subject to dismissal because Huffman notes in the petition itself that his direct appeal from the sentence imposed by this Court, pursuant to his guilty plea is still pending before the United States Court of Appeals for the Second Circuit.

CONCLUSION

The petition under 28 U.S.C. § 2255 is denied and the petition is dismissed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 8, 2010.